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Attorney for Defendant KIAKONA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00399 DAE
	)	
Plaintiff,	)	
vs.	)	CORRECTIONS TO DRAFT
	)	PRESENTENCE REPORT
MOSES KIAKONA,	)	PREPARED MAY 18, 2006;
	)	CERTIFICATE OF SERVICE
Defendant.	)	
_____	)	

CORRECTIONS TO DRAFT PRESENTENCE  
REPORT PREPARED MAY 18, 2006

COMES NOW Defendant, MOSES KIAKONA, by and through his counsel,  
PAMELA O'LEARY TOWER, and hereby notes the following corrections to the  
draft pre-sentence investigation report (hereafter "Draft PSR") prepared May 18,  
2006, by United States Probation Officer Rosanne T. Donohoe.

Corrections:

Page 1: Counsel is retained.

Para. 13: Defendant did meet with Marco on a number of occasions to obtain methamphetamine, but not on 7/20/04.

Para. 43: Defendant did not plead guilty in Cr. No. 98-0369. On 8/23/99, Defendant went to a jury trial on that matter. On 8/27/99, defendant was found guilty of the included offense of attempted assault in the third degree and assault in the third degree. In Cr. No. 98-0370, defendant began jury trial on 7/13/99, but changed his plea on 7/14/99, to no contest to two counts of Terroristic Threatening in the Second Degree (Count 1 was reduced from TT 1.) Defendant was sentenced on both matters on 11/2/99.

Para. 44: The indictment in Cr. No. 04-1-0241 alleged that defendant committed the offense of Terroristic Threatening in the First Degree in violation of H.R.S. §707-0716(1)(d) (1993 Supp.) with a dangerous instrument, to wit, his Toyota LandCruiser. Defendant was alleged to have used his vehicle in a road rage incident to intimidate two individuals in another vehicle while both vehicles were driving in the same direction. There was no bodily injury sustained by any person

involved in this incident. The only damage was to defendant's vehicle when the driver of the other vehicle forced him off the road at a narrow bridge in up-country Maui where defendant had the right of way, which triggered the incident. Further, defendant did not plead guilty – he was convicted by a jury on 8/12/04, after a three day trial that began on 8/9/04. On 11/05/04, defendant was sentenced to a term of five years.

DATED: Honolulu, Hawaii, June 5, 2006.

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/s/PAMELA O'LEARY TOWER  
Attorney for MOSES KIAKONA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following at their last known address:

Served Electronically through CM/ECF:

FLORENCE NAKAKUNI  
Assistant United States Attorney  
PJKK Federal Building, Room 6100  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96813  
Attorney for the United States

Florence.Nakakuni@usdoj.gov

and by hand-delivery to:

ROSANNE T. DONOHOE  
Supervising U.S. Probation Officer  
PJKK Federal Building, Room C-110  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850

DATED: Honolulu, Hawaii, June 5, 2006.

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/s/ PAMELA O'LEARY TOWER  
Attorney for MOSES KIAKONA